Deputy Administrator Speeches 2015

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WMATA Safety Management Inspection Report News Conference

6/18/2015

Therese McMillan, Acting Administrator
Federal Transit Administration
WMATA Safety Management Inspection
Tri-State Oversight Committee Audit
NTSB Response on Subway Tunnel Audits
Wednesday, June 17, 2015
Remarks as Prepared for Delivery

Introduction

Good morning. I am Therese McMillan, the FTA Acting Administrator.

The Federal Transit Administration recently conducted a Safety Management Inspection of the Metrobus and Metrorail systems operated by the Washington Metropolitan Area Transit Authority – otherwise known as "WMATA."

We're here today to talk about the findings of that safety inspection.

The safety of transit riders and workers nationwide is the top priority of the FTA. Every transit passenger deserves a safe ride and every transit worker deserves a safe workplace.

Here in the nation's capital, WMATA has experienced serious rail accidents over the past several years resulting in fatalities and injuries among both passengers and workers.

In spite of improvements made by WMATA since the 2009 Fort Totten accident, it continues to experience safety problems such as the January 12, 2015, incident of smoke in a tunnel near L'Enfant Plaza caused by electrical arcing.

With this background in mind, FTA announced in February 2015 that we would conduct a Safety Management Inspection, or "SMI", of the WMATA rail and bus systems.

FTA is able to perform this type of safety oversight function because in 2012, Congress greatly expanded FTA's safety authority in the Moving Ahead for Progress in the 21st Century Act, also known as "MAP-21."

The WMATA SMI is the first inspection FTA has conducted using our new safety authority. I thank my staff for their good work in conducting the inspection and producing a thorough report that is a template for how FTA will perform this type of safety activity moving forward.

SMI Report Findings

The SMI evaluated WMATA's operations and maintenance programs, safety management capabilities, and organizational structures to determine whether it is complying with its own procedures and rules, existing federal regulations and FTA Safety Advisories to ensure the safety of its riders, employees and system infrastructure.

WMATA is not unsafe – but it has to do better to improve its safety performance for its passengers and workers.

Overall, WMATA has made progress in some areas during the past five years. However, organizational shortcomings and operational concerns continue to limit WMATA's effectiveness in recognizing and resolving safety issues.

In key areas, WMATA is not effectively balancing safety-critical operations and maintenance activities with the demand for passenger service.

Perhaps most significantly, FTA found serious safety lapses in the Rail Operations Control Center that collectively impact the ability of Metrorail to schedule and conduct maintenance work, manage abnormal and emergency events, and ensure the safety of trains and personnel on the right-of-way.

The SMI report includes 54 safety findings: 44 for Metrorail and 10 for Metrobus. Overall, the safety issues with Metrorail are more serious, numerous and substantive than for Metrobus.

For Metrorail, some of the major categories of findings include:

- Inadequate Rail Operations Control Center Staffing and Procedures;
- Ineffective Training, Testing and Rules Compliance Programs; and
- Insufficient Track Time for Maintenance.

For Metrobus, major categories of findings include:

- Concern over Protection of Bus Operators and Personnel;
- Limited Availability of Training; and
- Inconsistent Operational Testing and Rules Compliance Checks.

Safety Directive / WMATA Board of Directors

WMATA has some serious safety issues it must correct.

To help WMATA do better, FTA is issuing a Safety Directive identifying required actions for each of the 54 safety findings. WMATA has 90 days to submit to FTA the specific actions it will take to address each finding. FTA will then meet monthly with WMATA to monitor and assess its progress.

I am also asking the WMATA Board of Directors to closely monitor the time and resources made available for Metrorail operations and maintenance

departments to conduct safety critical inspection, testing, training, and repair activities.

Specifically, the WMATA Board needs to determine what changes to its Fiscal Year 2016 budget may be necessary to effectively implement the corrective actions.

Tri-State Oversight Committee Audit Findings

Concurrent with the WMATA safety management inspection, FTA also conducted an audit of the Tri-State Oversight Committee, or TOC. The TOC is the current partnership between Maryland, Virginia and the District of Columbia responsible for managing the federally required State Safety Oversight Program that provides daily safety oversight of the WMATA Metrorail service.

The TOC audit was previously scheduled to occur this year and is commonly performed on all State Safety Oversight Agencies which have jurisdiction over rail transit agencies.

There were 11 audit findings. The main emphasis is that the TOC partners need to coordinate and take action on several issues, including:

- Implement new legal and financial requirements for the stronger State Safety Oversight program as required by MAP-21;
- Complete grant funding requirements or risk losing more than $4.5 million available to fund its safety oversight responsibilities; and
- Prioritize efforts to transition to a new Metro Safety Commission that would provide greater safety oversight of Metrorail.

Subway Tunnel Audits / Safety Advisory

Finally, FTA also is announcing today action to address the safety of subway tunnels nationwide. This action is in response to an Urgent Recommendation issued to the FTA by the National Transportation Safety Board stemming from its investigation of the WMATA L’Enfant Plaza incident.

There are 25 rail transit agencies that utilize subway tunnels. FTA is directing State Safety Oversight Agencies with jurisdiction over these agencies to conduct audits to assess and inspect tunnel ventilation systems. The audits also will assess emergency procedures for fire and smoke events, related training and compliance programs, and application of industry best standards.

In addition, FTA is issuing a Safety Advisory to notify the transit agencies of these forthcoming audits by their State Safety Oversight Agency. After the State Safety Oversight Agencies complete and return the audits, FTA will analyze the data to determine potential future rulemaking and safety guidance to the rail transit industry.

Conclusion

Again: WMATA is not unsafe. I do not own a car and rely heavily on the Metro system to get around the area. I will continue to ride Metro trains and buses.
Today's findings should not be interpreted as a reason for WMATA's rail and bus passengers to seek other means of transportation. **However, WMATA must do better to improve its safety performance for its passengers and workers**.

FTA has identified safety issues that WMATA must address and correct. WMATA is responsible and accountable for achieving the needed safety improvements.

WMATA management and staff, the WMATA Board of Directors and the Tri-State Oversight Committee all must work together to fix what needs to be fixed. **This work needs to begin today**.

Thank you. I will now take questions.

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ADA 25th Anniversary Event Bethesda, Maryland

7/23/2015

Therese McMillan, Acting Administrator
Federal Transit Administration
ADA-25 Event
Bethesda, Maryland
Thursday, July 23, 2015
Remarks as Prepared for Delivery

25th Anniversary of the ADA – Bethesda, MD
Remarks of Acting Administrator Therese McMillan
Thursday, July 23, 2015

Thank you for joining us today.

It's a pleasure to be here with our friends and colleagues from Montgomery County to mark the 25th anniversary of the Americans with Disabilities Act.

The Promise

America is a promise - a balance of rights and responsibilities.

And it works best when everyone can reach out and take hold of the opportunities it creates.

That's why public transportation is absolutely indispensable in this country, and why we work so hard to make it accessible, reliable, and safe.

For the past 25 years, the Americans with Disabilities Act has helped us fulfill that promise.

Today, 99.8 % of public transit buses are accessible - as are more than 90% of heavy and light rail cars.

Every new rail station since 1990 has been built with accessibility in mind, and among older rail systems, 98% of "key stations" now meet that standard.

The stats are encouraging - and even more encouraging is the number of Americans whose lives have been made richer because of the ADA.

Let's be clear: that number includes EVERY American.

The same accommodations that make it easier for people with disabilities to board a bus, cross a street, or enter a building help everyone from time to time.

And our communities are stronger because more people are able to contribute their unique talents and energy.

The gains we've made pay huge dividends for everyone.

More Use of Fixed-Route Service

Because we've worked diligently to make standard, fixed-route services more accessible, more people with disabilities are able to use them.

That means they don't have to rely exclusively on paratransit services that require advanced appointments and take more of their time - and that are, by the way, more expensive to operate.

Today, ridership on fixed-route transit by people with disabilities can be 2 to 6 times greater than ridership on paratransit. And in a nationwide survey by the Transit Cooperative Research Program, 1/3 of respondents indicated that they preferred to take fixed-route buses.

Reasonable Modification

The U.S. Department of Transportation's new Reasonable Modification Rule is helping make those services even more accessible.

Going into effect just 10 days ago, it requires that transit providers make changes to their policies and practices, when reasonable, to ensure that people with disabilities can use their services.

For example: many transit agencies require bus operators to only stop at designated locations. That makes sense.

But what if a particular bus stop is blocked by a parked car - or, as we saw this past winter, mountains of snow?

Many transit agencies have allowed bus operators to pull a short distance from the stop to deploy the ramp for a wheelchair user. That also makes a lot of sense.

By making that flexibility a universal requirement, we'll ensure that people with disabilities have equal access to public transportation, and thereby equal access to jobs, medical care, schools and a better quality of life.

Safer People, Safer Streets

These are the kinds of actions we must continue to take, because there are still areas of our transportation system that are not accessible.

There are still barriers that prevent equal access to opportunity.

One of the most pervasive challenges for public transportation has been the ability to actually get to the bus stop or rail station.

That's why we're striving to improve access by focusing on those barriers that prohibit people with disabilities and pedestrians from easily and safely moving between transit stops and their destinations.

We're talking about sidewalks that are broken, overgrown, or entirely absent; curb-cuts that are in disrepair; and other impediments.

Montgomery County is tackling this challenge head-on with the project we're showcasing today.

Secretary Foxx's 2015 Safer People Safer Streets initiative has resulted in bike/pedestrian assessments in all 50 states and two U.S. territories.

Eight FTA-led assessments evaluated accessibility around transit stations, paving the way for FTA and state and local agencies to work together to improve access.

Transportation Funding

Given the timing of this event, I'd be remiss if I didn't mention that these kinds of improvements require funding - from state and local governments, but also from the federal level.

As many of you know, the most recent extension of the nation's surface transportation authorization is set to expire at the end of this month.

It's one of more than 30 short-term measures used to fund transportation over the last 6 years, and we could have another short-term extension to get us through the rest of this year.

Our transportation system is the backbone of our economy, and our public transportation systems in particular are essential for connecting people with opportunity.

It's hard to make long-term plans based on short-term funding. We need long-term, predictable funding to make the kinds of investments that will keep transit and other modes of travel safe and reliable for all Americans.

As we celebrate 25 years of the Americans with Disabilities Act, we need to look ahead 25, 30, 50 years and make the long-term investments that will prepare us for the demands of the future.

Thank you.

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WMATA Board of Directors Safety and Security Committee Remarks

7/23/2015

Therese McMillan, Acting Administrator
Federal Transit Administration
WMATA BOARD COMMITTEE OF THE WHOLE
Safety and Security Committee
Thursday, July 23, 2015
Remarks as Prepared for Delivery

Introduction

Good morning Chair Goldman, Board Chair Downey, members of the board and WMATA officials. Thank you for your invitation to discuss the Federal Transit Administration's views on several safety and financial management issues facing WMATA.

The safety of its operations and the soundness of its financial health are of critical importance to WMATA passengers, employees and the entire national capital region. FTA's safety and financial oversight activities are intended to help you chart a path for a stronger, safer and more accountable WMATA.

Safety Management Inspection Report

The Safety Management Inspection report issued last month by FTA made a number of safety findings, but I will comment on three top level issues that I want to direct to your attention.

First, there is a lack of effective execution by WMATA to comply with the protocols and provisions of its own safety program.

Second, employees are not receiving adequate or timely safety training and certification needed to perform their daily work duties or to respond effectively to unusual or emergency situations.

And third, the time available to perform preventive track maintenance work has been shrinking during the past four years to meet demand for passenger service.

These are key areas where your ability as the board of directors to set policy and craft a budget that connects funding to safety priorities can make a difference.

In particular, you play a critical role in helping WMATA achieve the right balance between safety and service. Service levels are important, but less track access is resulting in a growing backlog of deferred maintenance which can lead to safety critical issues.

I strongly urge you to closely monitor and make time and resources available to the Metrorail operations and maintenance departments to conduct the needed safety critical inspections, testing, training, and repair activities.

In addition, let me add my voice to many others encouraging you to hire a qualified permanent General Manager as quickly as possible. Once on board, it is important that you give that person your strong support to tackle WMATA's safety and financial challenges.

Safety Directive Required Actions

When we issued the safety report, we also issued a Safety Directive that listed required actions WMATA must take to address the report's findings.

FTA received a preliminary response from WMATA on July 13 that indicated several corrective actions "are underway or will be initiated." I appreciate the commitment to address these issues, but I want to underscore that the Safety Directive requires FTA approval of all corrective actions. FTA has not approved any of the actions listed by WMATA and therefore none are to be considered final.

FTA staff will meet with WMATA officials tomorrow to discuss the preliminary response and the steps needed to prepare a final plan for all 91 required actions. WMATA must submit its final plan for FTA approval by mid-September.

The Safety Directive requires that the final corrective action plan include a tracking matrix identifying the specific actions to be performed, milestone schedules, the person responsible for the action and a verification strategy to ensure completion of the required actions.

Beyond those specific details, FTA intends to take a hard look at two key elements before we will provide our approval.

First, WMATA must demonstrate how a particular corrective action directly addresses its associated finding from the FTA safety inspection report. This will be done for all 91 required actions.

It is not sufficient to simply assert that an action currently underway or soon to be initiated satisfies the requirements of the Safety Directive. In particular, corrective actions developed for other problems or implemented before the FTA safety report was even issued may not be an appropriate solution.

I want to note that WMATA has undertaken some important safety steps since the Fort Totten accident in 2009. Those improvements were noted in our report.

However, FTA is not approaching—and WMATA staff and leadership should not approach—development of the corrective action plan with the

assumption that existing protocols and procedures are largely effective, and just have to be “tweaked” at the margin. Instead, addressing the numerous findings in this report should start with systematic questions challenging the existing protocols and practices to determine why the shortcomings uncovered in our report exist. Important questions to ask include:

- Are the findings the result of protocols that are lacking, or insufficient?
- Are existing protocols potentially sufficient, but not being effectively implemented and monitored?
- Are reasonable protocols in place and matched with commitments to carry them out, but hampered by lack of adequate resources?

I would submit that any one of these scenarios requires more than minor modification to “business as usual.”

Second, FTA will consider how WMATA chooses to prioritize the corrective actions—and risk must be a central determining factor. High probability, high consequence risk events need to take priority.

Not everything can, or should, be done first. Some things must be done before others based on risk. WMATA is well advised to use this ‘prioritize by risk’ approach as it puts together its corrective action plan.

It is really only after a final plan is approved by FTA that budget implications become clear. Prioritizing actions and aligning them to operating or capital accounts will bring focus to what resources are needed for implementation.

Identifying resources for safety priorities is the hard work you perform as the board of directors. Whether that comes from the current budget, a reallocation of existing budget line items or new revenue, how you make resources available for safety improvements sends a strong message to WMATA passengers and employees.

Tri-State Oversight Committee

Before I leave safety, I want to mention that FTA is working with the Tri-State Oversight Committee, or the TOC, to improve its safety oversight of Metrorail.

As you are aware, last week U.S. Secretary of Transportation Anthony Foxx met with the Governors of Virginia and Maryland and the Mayor of Washington, D.C., to emphasize their role in making TOC a more effective safety oversight agency. TOC is an organization that falls to their responsibility.

Bottom line is that TOC must come into compliance with the stronger safety oversight provisions required by federal law. That will be accomplished by aggressively preparing TOC to transition to the new Metro Safety Commission that will have greater authority and safety responsibilities,

consistent with new requirements for all State Safety Oversight Agencies. This effort cannot wait and must be accelerated. Secretary Foxx was clear that the Governors and the Mayor need to make this transition a priority.

In addition, we intend to invite TOC to join us as an observer in FTA's oversight of the WMATA corrective action plan. FTA has final authority to track compliance with our Safety Directive, but inviting TOC to participate will allow them to develop the necessary oversight capabilities until a stronger state safety oversight program is in place and functioning.

Financial Management

Turning to financial issues, WMATA has adequately responded to 35 out of the 38 findings and recommendations made in the FTA Financial Management Oversight report. WMATA submitted their responses for the final three findings on June 30 which FTA is now actively reviewing.

FTA shares your goal to remove WMATA from restricted drawdown. We want WMATA to be a federal grantee in good standing. The WMATA team, led by CFO Dennis Anosike, has been forthcoming and cooperative in addressing the FMO findings and recommendations. However, the restricted drawdown will remain in place until WMATA demonstrates, and FTA can verify, that its internal controls and processes support proper grant reimbursements.

I believe it is important to clarify and correct misunderstandings made in the media and elsewhere about how WMATA's restricted drawdown status as it relates to 'cash-flow' challenges.

The controlling issue is that WMATA continues to have difficulty resolving problems with its financial management system. As a result, there is a very slow rate of submittal of federal grant reimbursement requests by WMATA to the Federal Transit Administration.

The inability of WMATA's financial system to produce the necessary documentation to back up reimbursement requests is a major hurdle, slowing down cash disbursements against approved federal grants.

When WMATA does provide the needed documentation, FTA turns the reimbursement requests around quickly. Since the restricted drawdown has been in effect, FTA has reimbursed $374 million of $384 million submitted by WMATA to date.

We are also working to provide a "roadmap" of steps WMATA must take to be removed from restricted draw down status. However, there is no guaranteed timeline for removal at this juncture – that will occur at the point that effective implementation of WMATA's financial corrective actions is verified.

Conclusion

I appreciate the opportunity to speak with you today. Improving safety for passengers and employees, and the financial soundness of WMATA are goals we both share.

Thank you and I look forward to our discussion, and continued cooperative efforts with the WMATA executive team and staff.

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APTA Annual Meeting 2015

10/6/2015

Therese McMillan, Acting Administrator
Federal Transit Administration
APTA ANNUAL MEETING - SAN FRANCISCO, CA
Safety and Security Committee
Tuesday, October 6, 2015
Remarks as Prepared for Delivery

Thank you.

It's great to be with you again.

The fact that we ARE here with you today means that the Federal government did NOT shutdown last week.

That's great news, because it allowed us at the FTA to continue without interruption.

And it made it possible for us to travel to San Francisco to listen to you and to answer your questions – and we're looking forward to doing that.

First, though, I want to highlight some of the things we've accomplished together in the last year, and I want to give you a sense of where we're heading.

For me, personally, and for the FTA leaders who've joined me today, it is a real honor to work alongside the nearly 550 women and men of the Federal Transit Administration – those in the regional offices and at our headquarters in DC. You probably only get to interact with just a handful of them, but let me tell you: each and every one of them is working to support this industry and the American people.

This partnership – going on now for more than 51 years – has been a quiet and enduring success.

And we believe the key to building on that record of success lies in listening to one another and making it easier to work shoulder-to-shoulder.

We've streamlined our processes so that you can get projects started – and finished – quicker.

We've worked to ensure that we fulfill our oversight responsibilities in a way that accomplishes the goal while remaining fair and predictable.

And we've done all this with the full knowledge that transit operators of different sizes, in different places – and over time – will require adaptable, risk-based solutions that acknowledge those differences.

Our most recent effort to keep that two-way communication going is called XPEDITE – our Expedited Public Transportation Improvement Initiative.

It's a web-based tool that allows you to submit ideas that will help speed up the planning, approval, and delivery of capital investments in transit, while better supporting innovative methods of financing projects, such as through P3s and Value Capture.

So my first "ask" today is that you go to FTA's web site, check out the XPEDITE link, and give us your suggestions and comments.

We intentionally left it open for submissions through October 16 so that we could make sure each of you here today knows about it and has the opportunity to take advantage of it.

I: Meeting Demand

Streamlining our processes, speeding up projects, and making sure taxpayers investments are paying off – all of these are essential if we're going to be able to meet growing demand for transit services.

CIG

That's why we've improved our Capital Investment Grant process to help get New Starts, Small Starts, and Core Capacity grants.

A big step in that direction was the **CIG Final Interim Policy Guidance** we issued in August.

It streamlines the process while maintaining its analytical rigor.

It also gives you greater detail about the methods we use to evaluate potential projects.

And it defines what "Core Capacity" means and allows for simpler requirements since those projects are focused on established transit corridors.

Our goal is to invest in successful transit projects that have the power to be truly transformative.

In the last year, we've:

- Helped open Connecticut's first Bus Rapid Transit service;
- Expanded light rail service in Sacramento;
- And opened Portland, Oregon's, new MAX Orange Line – which includes the nation's first multimodal bridge solely for transit, bikes, and pedestrians.

We helped break ground on LA's Purple Line Extension and BRT projects in Orlando and Jacksonville, Florida.

And we signed construction grant agreements to extend Boston's Green Line and Orlando's SunRail commuter rail, and for BRT services in Oregon, Washington, Florida, and California.

Today, there are 66 projects at some stage of the CIG pipeline – proof of the extraordinary demand for public transportation services in communities across the country.

As we prepare for FY 2017, the Obama Administration will continue to push for funding levels that match up with that demonstrable demand.

TIFIA

TIFIA has been another invaluable tool for supporting public transportation projects.

In the past year, we signed new TIFIA loans for Chicago's Blue Line, DC's Silver Line train to Dulles International Airport, and an extension of light rail from Seattle to Redmond, Washington.

TIGER

And finally, we're looking forward to joining Secretary Foxx in announcing this year's TIGER grants sometime this Fall.

As you know, transit and multi-modal projects have won a significant number of those grants in the past, benefitting communities across the country.

II: Ladders of Opportunity

All of these projects do more than expand mobility: they also help build ladders of opportunity in surrounding communities.

In fact, since Secretary Foxx's arrival at DOT, you've heard us speak a lot about Ladders of Opportunity.

It's no secret that public transit is the mode that's in the best position to connect people with jobs, education, healthcare, and all the opportunities their communities offer.

That's true because of the work you do every day to provide safe and reliable service to the people who depend on you.

ADA

This year was the 25th Anniversary of the Americans with Disabilities Act, and it was a good reminder both of how important this industry is and how hard you've worked to expand access.

Today, 99.8% of public transit buses are accessible – as are more than 90% of heavy and light rail cars. Every new rail station since 1990 has been built

with accessibility in mind, and among older rail systems, 98% of “key stations” now meet that standard.

The stats are encouraging – and even more encouraging is the number of Americans whose lives have been made richer because you have worked to live up to the ADA.

ADA Circular

At FTA, we’ve just published guidance that explains ADA requirements in detail and provides examples of good practices – including helpful scenarios and sample templates.

Undergoing a station renovation? Check the Circular for a sample rail station checklist.

Want to know how to accommodate service dogs, but don’t know where to find that in the ADA regs? Our Circular is well-organized and cross-linked.

Keep in mind that the Circular does not amend DOT’s ADA regulations and it **definitely** doesn’t add any new ones.

It simply clarifies the requirements to help you better understand what you need to do to be in compliance.

DBE

Another essential rung on the ladder is job creation, and it remains a key focus.

We’ve worked together to make sure that more traditionally disadvantaged businesses have the opportunity to contribute to projects and benefit from our investments.

Within the past two years, FTA’s top-50 grant recipients have increased their achievement of DBE goals by18 percentage points.

Workforce Development Grants

Critically, we have a great and growing need for well-trained workers in public transportation – and a calling to better link people from disadvantaged populations to those jobs, in particular.

The need is so great, in fact, that the Obama Administration’s GROW AMERICA Act proposed spending 10-times as much each year on FTA’s workforce development programs to catch up and get ahead.

The scope of the challenge is daunting. Recently, the US Departments of Transportation, Education, and Labor released a joint report that projects our transportation workforce needs out to the year 2022.

It predicts we’ll need 4.6 Million new workers in transportation as a whole. That would more than **double** our current transportation workforce.

And we're already behind, because the number of new workers needed is 68% larger than the number of students enrolled in related educational programs.

To help meet this looming challenge, FTA's Innovative Public Transportation Workforce Development program recently awarded $9.5 Million in grants to 19 projects in 13 states.

This round of grants highlighted training efforts that reached low-income individuals, minority populations, and women – groups where the ladder has often been tougher to climb.

TOD Technical Assistance Initiative

All of these are ways we can maximize the benefits of our investments in public transportation – to make them about more than moving people from place to place.

To further expand the impact of those investments, FTA has started a new National TOD Ladders Technical Assistance Initiative that will support transit-oriented development activities that benefit economically distressed communities.

It will bring together resources and training on public transportation, transit-oriented development, land use, urban planning, affordable housing, and community-based economic development to help local governments get the most out of transit investments.

I'm pleased to announce today that **Smart Growth America** has been selected to lead that effort, and we're looking forward to talking more about the initiative in the near future.

Rides to Wellness

Another new initiative we're very excited about is Rides to Wellness.

It brings together leaders from the transit and healthcare industries to explore ways that we can better connect public transportation with the array of services that provide good health – and thus improve the lives of those we serve.

It's estimated that 3.6 Million Americans miss or delay non-emergency medical treatment every year simply because they lack transportation.

Our common goal is to support good healthcare practices that are now more accessible thanks to the Affordable Care Act.

Through the National Center for Mobility Management, we launched a Rides to Wellness planning grant program that has awarded $400,000 in competitive grants to projects in 16 communities to come up with solutions that improve healthcare access and overcome the most persistent challenges.

For instance, in Buffalo, New York, a community health clinic is testing the idea of placing a personal “travel navigator” in the ob/gyn’s office to help pregnant women develop travel plans to ensure they don’t miss pre-natal appointments.

In Worcester, Massachusetts, healthcare providers are experimenting with a web-based app that searches for the most convenient public transportation options when they schedule appointments, hoping to reduce no-shows.

These are just two of the ideas among many from around the country that promise to help keep people healthy and out of the hospital.

At the federal level, our partnerships are growing stronger every day:

- We are working with our colleagues at the Department of Health and Human Services to implement cost-sharing models, so that programs like Medicare and Medicaid can treat transportation as a necessary aspect of healthcare;
- Our partners at the Department of Agriculture will soon announce the ability of local partners to use funds from the Food and Nutrition Service to match FTA grants;
- And, for the first time in eight years, we are going to host a meeting of the United We Ride Coordinating Council on Access and Mobility on the topic of health and transportation, to explore next steps at the national level.

Together, we’re working to make sure that Americans of all incomes, at all stages of life, can stay healthy with the help of a wide array of affordable transportation options.

III: Safety

None of these benefits matter, however, if transit itself isn’t also safe and reliable.

That’s why FTA asked for transit safety oversight authority – and why we’ve included you every step of the way.

This year we published a Notice of Proposed Rulemaking on State Safety Oversight that gives states greater responsibility for overseeing the safety of fixed guideway rail systems.

We published an NPRM on Bus Safety that establishes minimum safety standards for new transit buses and streamlines the procedures used at our Bus Testing Facility.

We issued an Interim Safety Certification Training Program.

And we have been “on the ground” working to assist individual transit agencies with specific safety needs.

Now, there are two pieces we need your help with.

The first is the NPRM for our Public Safety Program Rule. If you haven't reviewed it and submitted comments, please do so before comments close on October 13.

This is the rule that formally adopts Safety Management Systems as the foundation of FTA's safety oversight and regulatory approach.

It establishes procedures for inspections and enforcement actions.

And it paves the way for the National Transportation Safety Plan.

The second NPRM that's open for comment now relates to Transit Asset Management Plans, which are a requirement introduced in MAP-21.

This is the rule that defines "State of Good Repair" and establishes which performance measures we'll use so that you can set your targets.

To make it easier on smaller operators, the proposed rule offers a two-tiered approach that would allow certain grantees to participate in a Group TAM Plan that would be developed by the State or other direct recipient.

By identifying and prioritizing maintenance repair needs for transit vehicles and infrastructure, we expect to increase reliability and performance, reduce delays, increase resilience, and contribute significantly to the overall safety of transit systems.

Public comments on that rule are open through [[DATE]].

IV: Closing

Whenever we take the time to engage one another, our industry is the stronger for it:

- Rules are more effective; grantmaking is streamlined; investments have a greater impact.

Of course, there are demographic trends outside of our control that have helped increase the demand for transit. Those of us here today can't take credit for everything!

What we **CAN** take credit for is the quality of those services, their safety and reliability.

We can demonstrate how we've worked to improve access and build Ladders of Opportunity in communities across the country.

We can show that we're good stewards of the investments taxpayers have made in existing services and in new ones.

And it's no coincidence that, over the last seven years, we've had the support of a President who not only understands the power of transit, but is

also willing to turn to you to help solve enormous challenges, from putting America back to work … to combating climate change.

Together, we can continue that momentum.

Over the next year we can make positive improvements that last.

And we'll be able to say with certainty that we've made the most of this moment.

Thank you.

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Metropolitan Washington Council of Governments WMATA Metrorail Safety Oversight

11/12/2015

Therese McMillan, Acting Administrator
Federal Transit Administration
Metropolitan Washington Council of Governments
Board Meeting
Thursday, November 12, 2015
Remarks as Prepared for Delivery

Introduction

Good afternoon Chairman Euille and all board members of WashCOG. Thank you for the invitation to discuss Federal Transit Administration (FTA) actions to improve WMATA Metrorail safety and the need to expedite creation of a new State Safety Oversight Agency.

The safety of Metrorail operations is critically important to WMATA passengers, employees and the entire national capital region. The citizens of your jurisdictions and the millions of people who depend on the Metrorail system for safe travel in the region deserve a strong State Safety Oversight Program.

As you are aware, in recent years, Metrorail has experienced a number of safety lapses resulting in serious incidents, injuries and fatalities.

Under federal law, the job of providing safety oversight of rail transit agencies is the responsibility of State-led organizations. In the case of Metrorail, currently that State-led agency is the Tri-State Oversight Committee, or the TOC. However, in its existing form, the TOC lacks sufficient resources, technical capacity and enforcement authority to provide the hands-on safety oversight needed by Metrorail and demanded by passengers and employees.

For this reason, in October 2015, U.S. Transportation Secretary Anthony Foxx directed the FTA to exercise our authority and assume temporary and direct safety oversight of Metrorail from the TOC.

I want to emphasize the temporary nature of the FTA role. We are fulfilling a critical function, but we are only bridging the gap. Virginia, Maryland and the District of Columbia are responsible under federal law for establishing a new State Safety Oversight Agency for Metrorail.

Furthermore, last week Secretary Foxx sent a letter to Mayor Bowser and Governors Hogan and McAuliffe asking them to expedite their efforts and devote the necessary resources to create a new State Safety Oversight Agency.

FTA Metrorail Safety Oversight

In assuming direct safety oversight responsibility for Metrorail, FTA has three primary goals.

First, is what everyone wants—to improve Metrorail safety. While WMATA is responsible for the safety of its own operations and system, FTA will take every step to ensure WMATA is taking appropriate actions and using Federal funds toward that end.

Second, FTA will direct the TOC in its core safety oversight duties under existing federal regulations while FTA assumes the lead role for key functions of the Metrorail State Safety Oversight Program.

And third, FTA will support an expedited effort led by Virginia, Maryland and the District, and managed by WashCOG, to establish a new, fully compliant, staffed, resourced and capable State Safety Oversight Agency to replace the TOC as soon as possible.

The FTA direct safety oversight of Metrorail has a few key elements. To be clear, WMATA remains in charge of Metrorail daily operations and management and is responsible for the safety of its service and system. WMATA runs WMATA, not FTA. Under safety authorities granted under MAP-21, FTA ensures that all State Safety Oversight responsibilities are carried out for Metrorail. And, it is important to emphasize that the TOC continues to exist and is performing core safety oversight activities at the direction of FTA.

Furthermore, FTA is taking lead responsibility to ensure and verify that WMATA implements all required corrective actions approved by both FTA and the TOC. This includes all open corrective actions arising from past safety incidents and findings, and those yet to be developed as a result of closing open investigations and following from any new safety incidents or findings.

FTA will also conduct on-the-ground inspections, lead accident investigations as warranted and exercise our authority to direct the use of Federal funds received by WMATA to ensure they are used to improve Metrorail safety.

The Role of WashCOG

WashCOG plays an important role in many regional issues, particularly those related to transportation.

By creating and managing the budgets for the TOC, WashCOG ensures Metrorail safety oversight activities can and do occur.

Also, WashCOG is now the grantee for FTA grant funds provided to support State Safety Oversight Agencies. By managing this grant funding on behalf of the TOC, you enable additional resources to be directed for Metrorail

safety oversight work as well as to assist with the transition to a new State Safety Oversight Agency.

Finally, WashCOG is managing the transition activities to the new State Safety Oversight Agency with Virginia, Maryland and the District, including developing a legal strategy for creating and empowering the new agency.

Your role as a catalyst can move the transition process forward and I strongly encourage you to increase your efforts and keep this issue high on the agendas of the three jurisdictions.

New State Safety Oversight Agency

Facilitating the process among the three jurisdictions is not easy. Frankly, the past cooperation and coordination issues among Virginia, Maryland and the District is a contributing factor giving rise to the ineffectiveness of the TOC. This must be overcome and the quicker the better.

Let me emphasize, under MAP-21, a State Safety Oversight Agency is a creature of state law, and it must be legally and financially independent of the rail transit agency it oversees. Also, a State Safety Oversight Agency must have investigative and enforcement authority.

These fundamental requirements are spelled out in the Proposed Rule for State Safety Oversight FTA issued in February 2015. We anticipate publishing the Final Rule in early 2016.

The key elements of the Final Rule will track very much along the lines of the statutory requirements. It would update and strengthen the federal regulatory framework to enable State Safety Oversight Agencies to better evaluate the effectiveness of a rail transit agency’s safety program.

Importantly, States must be in compliance no later than three years after the Final Rule becomes effective, but States need not and must not wait.

Timing is everything. Some outlier States are using the ”three years after the Final Rule is effective” idea as a reason to say, “What’s the rush? We don’t even know what the Final Rule says yet.”

Frankly, that is a false argument. States do not need the language of the Final Rule in order to begin to take needed actions. States can expect that the Final Rule will be substantially one and the same as the Proposed Rule and written strictly in accordance with the statutory language and requirements of MAP-21.

Let me note, moreover, there are already a number of other State Safety Oversight Agencies that are either compliant with MAP-21 or well-down the compliance track.

There are a total of 30 State Safety Oversight Agencies. Two are fully compliant (Massachusetts and California). Statutory language is sufficiently

prescriptive to allow FTA to make that determination. Ten others have updated their enabling legislation to reflect MAP-21 and ten more have taken other significant action. Once the FTA Final Rule is released, all these States must do is update their Program Standards or issue updates to their administrative codes or executive orders.

The bottom line is that Virginia, Maryland and the District need to expedite transition of the TOC into a new and stronger State Safety Oversight Agency. The three jurisdictions agreed to do that in 2010 and re-affirmed that position in 2014. However, it is now Nov. 2015, and there continues to be insufficient progress.

Creating the new State Safety Oversight Agency is a complex undertaking with significant legal, administrative and organizational challenges. There is a need to make this an urgent priority and FTA is prepared to help.

FTA has and will continue to provide technical guidance and grant funding to support the effort, but the three jurisdictions, with the assistance of WashCOG, have the responsibility for standing up the new safety oversight body.

I will soon be sending a letter to WashCOG and the TOC jurisdictions requesting a meeting in early December to discuss the current status of transition activities, understand the next steps and identify where FTA might help advance the process.

Conclusion

I appreciate the opportunity to speak with you today and thank you for the leadership WashCOG is showing in facilitating the creation of the new State Safety Oversight Agency. You make a valuable contribution by providing the forum for progress.

As I’ve noted before, I am a regular Metrorail user. Rail transit is the safest form of surface transportation and our common goal is to make it even safer for public transportation customers. It is my firm belief that there is no reason why a new State Safety Oversight Agency can’t be created within the next year.

I look forward to our discussion and continued cooperative efforts.

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